

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARL RICHARD, :
Plaintiff :
v. : Case No. 3:24-cv-89-KAP
SUPERINTENDENT BARRY SMITH, :
et al., :
Defendants :
:

Memorandum Order

Plaintiff Carl Richard is an inmate at S.C.I. Houtzdale, serving a sentence imposed in 2017 by the Philadelphia County Court of Common Pleas of 21-45 years' imprisonment. *See Richard v. Klinefelter*, 2023 WL 2634513 (E.D. Pa. Feb. 1, 2023), *report and recommendation adopted*, 2023 WL 2633203 (E.D. Pa. Mar. 24, 2023)(habeas proceedings). Richard filed a complaint subject to the Prison Litigation Reform Act in the Middle District of Pennsylvania, where he paid the filing fee. That court found that the proper venue was the Western District of Pennsylvania and transferred the complaint here. *See also Richard v. Crawford*, Case No. 3:20-cv-199-SLH-KAP (W.D.Pa.).

Because plaintiff is not proceeding *in forma pauperis*, he must serve the defendants as provided in Fed.R.Civ.P. 4(m):

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

Plaintiff must effect proper service under Rule 4 on defendants and make proof of service under Rule 4(l)(1) on or before July 24, 2024, or the complaint will be dismissed without prejudice as provided in Rule 4(m) as to any defendant not served. If plaintiff wants the Marshal to make service (at plaintiff's expense) on the defendants he should file a motion requesting an order to that effect.

DATE: April 24, 2024

Keith A. Pesto,
United States Magistrate Judge

Notice by U.S. Mail to:
Carl Richard NE-8049
S.C.I. Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000